

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
AT LAW AND IN ADMIRALTY

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

ONE COBRA ENTERPRISES INC./KODIAK  
IND. FS380 PISTOL BEARING SERIAL  
NUMBER FS115811, and

ONE GLOCK GMBH PISTOL BEARING  
SERIAL NUMBER BBFV450,

Defendants.

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**VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM**

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The United States of America, by its attorneys, Matthew D. Krueger, United States Attorney for the Eastern District of Wisconsin, and Scott J. Campbell, Assistant United States Attorney for this district, alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

**Nature of the Action**

1. This is a civil action to forfeit properties to the United States of America, under 18 U.S.C. § 924(d), for violations of 18 U.S.C. §§ 922(a)(6), (d)(1), and (g)(1).

**The Defendants In Rem**

2. The defendant Cobra Enterprises Inc./Kodiak Ind. FS380 pistol, bearing serial number FS115811, was seized on or about February 20, 2018, from Brandon Armes at or near 21XXX 121<sup>st</sup> Street, Bristol, Wisconsin.

3. The defendant Glock GmbH pistol, bearing serial number BBFV450, was seized on or about February 20, 2018, from Brandon Armes at or near 21XXX 121<sup>st</sup> Street, Bristol, Wisconsin.

4. The defendant firearms are presently in the custody of the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) in Milwaukee, Wisconsin.

### **Jurisdiction and Venue**

5. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

6. This Court has *in rem* jurisdiction over the defendant properties under 28 U.S.C. § 1355(b).

7. Venue is proper in this district under 28 U.S.C. § 1355(b)(1) because acts or omissions giving rise to the forfeiture occurred in this district.

### **Basis for Forfeiture**

8. Under 18 U.S.C. § 922(a)(6), it is unlawful for any person in connection with the acquisition or attempted acquisition of any firearm from a licensed dealer, knowingly to make any false or fictitious oral or written statement, or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such dealer with respect to any fact material to the lawfulness of the sale or other disposition of such firearm.

9. Under 18 U.S.C. § 922(d)(1), it is unlawful for any person to sell or otherwise dispose of any firearm to any person knowing or having reasonable cause to believe that such person has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year – that is, any felony conviction.

10. Under 18 U.S.C. § 922(g)(1), it is unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year – that is, any felony conviction – to possess any firearm.

11. The defendant firearms are subject to forfeiture to the United States of America under 18 U.S.C. § 924(d) because they were involved in the willful violation of 18 U.S.C. §§ 922(a)(6), (d)(1), and (g)(1).

### **Facts**

12. On or about January 19, 2017, Brandon Armes pleaded guilty to a felony count in Kenosha County Case No. 16CF1207.

13. Since on or about January 19, 2017, Brandon Armes has been, and remains, a convicted felon.

14. As a convicted felon, Brandon Armes is prohibited from possessing a firearm.

15. Question 11(a) on ATF Form 4473 titled “Firearms Transaction Record” asks the following:

Are you the actual transferee/buyer of the firearm(s) listed on this form?  
**Warning: you are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.**

(Text is bolded on the original ATF Form 4473.)

16. When taking possession of the defendant Cobra Enterprises Inc./Kodiak Ind. FS380 pistol bearing serial number FS11581 at Paddock Lake Sporting Goods on or about December 16, 2017, Rachel Morzfeld answered “yes” to question number 11(a) on ATF Form 4473.

17. When taking possession of the defendant Glock GmbH pistol bearing serial number BBFV450 at Paddock Lake Sporting Goods on or about January 11, 2018, Rachel Morzfeld answered “yes” to question number 11(a) on ATF Form 4473.

**Attempted acquisition of a .22 caliber AK-47 semi-automatic rifle at Buisse Custom Arms**

**February 9, 2018**

18. On February 9, 2018, Rachel Morzfeld and her son, Brandon Armes, were in a business known as Buisse Custom Arms in Union Grove, Wisconsin.

19. While Brandon Armes was in Buisse Custom Arms, Armes had a Glock pistol on his person.

20. While Rachel Morzfeld was in Buisse Custom Arms, Morzfeld attempted to take possession of a .22 caliber AK-47 semi-automatic rifle that had been purchased through an online retailer, Sportsman’s Guide.

21. When completing ATF Form 4473 for the AK-47 rifle, Morzfeld answered “yes” to question number 11(a).

22. Rachel Morzfeld was unable to take possession of the AK-47 rifle that day due to a delayed response from the Federal Bureau of Investigation’s National Instance Criminal Background Check System (NICS).

**February 20, 2018**

23. On February 20, 2018, Brandon Armes and Rachel Morzfeld were in Buisse Custom Arms.

24. The purpose of Armes and Morzfeld’s February 20, 2018 visit to Buisse Custom Arms was to take possession of the .22 caliber AK-47 semi-automatic rifle that Morzfeld had attempted to acquire on February 9, 2018.

25. During Brandon Armes' conversation with the person behind the sales counter at Buisse Custom Arms, Armes stated the following:

- A. Armes was present with Morzfeld on February 9, 2018, when Morzfeld first attempted to take possession of the AK-47 rifle.
- B. Armes had a firearm on his person at Buisse Custom Arms on February 9, 2018.
- C. When he was asked to leave any loaded firearms outside the store in his vehicle, Armes stated, "I don't have mine on me right now. It's at home."
- D. When he was asked what firearms he owned, Armes stated that he had a Glock pistol and a .380 pistol and that he wanted to get a Ruger .308 next.

26. When the .22 caliber AK-47 semi-automatic rifle was brought out to Rachel Morzfeld for inspection before taking possession it, Morzfeld never touched the firearm. Rather, Brandon Armes removed the firearm from the box and handled it.

27. On February 20, 2018, Brandon Armes was arrested for being a felon in possession of a firearm.

**February 20, 2018 seizure of the two defendant firearms**

28. On February 20, 2018, ATF agents learned that Rachel Morzfeld had purchased other firearms in addition to the .22 caliber AK-47 semi-automatic rifle.

29. About one or two weeks prior to February 20, 2018, Morzfeld had given the firearms to her daughter, whose initials are B.A., to keep at B.A.'s residence located at 21XXX 121<sup>st</sup> Street, Bristol, Wisconsin ("Bristol residence"). B.A.'s boyfriend, whose initials are D.D., also resided with B.A. at the Bristol residence. The residence belongs to D.D. B.A is staying there.

30. Agents traveled to the Bristol residence and spoke with B.A. and D.D., who showed agents the three firearms that Rachel Morzfeld had given to B.A. and D.D. to keep at their residence.

31. D.D. gave agents verbal consent to take custody of the three firearms.

32. On February 20, 2018, agents seized the following firearms from the Bristol residence, all of which had been purchased by Rachel Morzfeld:

- A. The defendant Cobra Enterprises Inc./Kodiak Ind. FS380 pistol bearing serial number FS115811,
- B. The defendant Glock GmbH pistol bearing serial number BBFV450, and
- C. An Sccy Industries CPX-2 9mm pistol bearing serial number 610024.

**Communications on Rachel Morzfeld's cell phone**

33. On February 20, 2018, Rachel Morzfeld gave ATF agents consent to search her cell phone.

34. Morzfeld's cell phone contained the following communications with Brandon Armes:

- A. On December 16, 2017, Brandon Armes texted Rachel Morzfeld, "Gonna be up in time to go get my gun when we get home?" Morzfeld responded yes and then asked to borrow money. Armes explained that he would see how much he had left after he bought his gun and ammunition. (See paragraph 39A evidencing the December 16, 2017, purchase of the defendant Cobra Enterprises Inc./Kodiak Ind. FS380 pistol.)
  - i. On the same day, about 90 minutes after Armes' above text to Morzfeld, Armes again texted Morzfeld stating that he wanted to go get his gun. Morzfeld responded, "When you guys Gona be here? So I can be ready?"
- B. On December 23, 2017, Armes texted Morzfeld, "Just got done shooting ... ThT [expletive] is fun."
- C. On December 29, 2017, Armes texted Morzfeld, "Oh and for the gun keep the 50 you owe me ... so then I'll have \$115 payed to the gun so I'll owe you another \$104."
- D. On January 5, 2018, Morzfeld texted Armes with a picture of a screen shot of an automated text message she had received acknowledging that her orders from Sportsman's Guide ([www.sportsmansguide.com](http://www.sportsmansguide.com)) had been received. Order number 66445769 for \$223.73 and order number

66445777 for \$509.98. Armes responded, “[expletive] ya ... Just keeping the second one 509.98.” Morzfeld responded, “Yeaaaa.”

- i. On the same date, Armes and Morzfeld exchanged text messages regarding money owed. Armes stated, “[expletive] I paid you off for my last gun and didn’t have cigs for a week.”
  - ii. On the same date, Armes texted Morzfeld, “... did the gun store say our guns left yet?” Morzfeld responded that she would check.
- E. On January 8, 2018, Armes texted Morzfeld and asked for Morzfeld’s credit card information. Armes explained that Armes wanted to finish paying for the firearm he wanted, and that the Sccy 9mm was for her but the Glock was for him.
  - i. On the same date, Morzfeld sent a picture of her credit card to Armes via text message. Armes replied explaining that the purchase went through and that he also ordered ammunition. Armes stated, “The Glock and ammo should ship tomorrow and be here Wednesday.” Morzfeld replied, “Yeaaaa [expletive]!”
- F. On January 9, 2018, Armes texted Morzfeld, “Your [expletive] bogus ... burnt up proly most of your pills and couldn’t even make it to the gun store for me ...”
- G. On January 10, 2018, Armes texted Morzfeld about picking up the firearms. Armes explained it would cost a little extra money to pick up two at the same time. Armes further explained that he was going to send Morzfeld \$70. Armes continued, “... hopefully I come home to my new baby” (referring to the defendant Glock GmbH pistol). Morzfeld responded, “Yeaaaa.”
- H. On January 11, 2018, Armes texted Morzfeld and asked for a picture of his new firearm. Armes also asked how Morzfeld liked her new firearm.
  - i. On the same date, about six minutes after the above text, Morzfeld sent four pictures to Armes via text message. The images were of a Glock pistol and a Sccy pistol. Armes stated that Armes was going to go shooting the next day after the ammunition arrived. (See paragraph 39B evidencing the January 11, 2018, purchase of the defendant Glock GmbH pistol.)
- I. On January 17, 2018, Armes texted Morzfeld and stated that Morzfeld needed to be ready to go to the gun store right away.
- J. On February 9, 2018 – the day that Morzfeld and Armes were in Buisse Custom Arms and Morzfeld attempted to take possession of a

.22 caliber AK-47 semi-automatic rifle – Armes texted Morzfeld, “ ... please be ready so whenever we do come I can get my gun it’s there today ... And Ik my new pistol grips came today.” Morzfeld replied, “Kk, I will be ready.”

35. Morzfeld’s cell phone contained communications with her son who is about two years younger than Brandon Armes and who also has the initials “B.A.” (To avoid confusion, this younger son will hereinafter be referred to as “B.Z.”) Morzfeld’s communications with B.Z. included the following:

- A. On December 22, 2017, B.Z.’s text to Morzfeld referenced needing to use Morzfeld’s credit card on January 3, 2018. B.Z. explained, “Own yeah just gotta have it on the third so I can order the gun you know.” Morzfeld responded, “Yep for sure.”
- B. On January 2, 2018, Morzfeld texted B.Z., “I will message u rite when you can order it ... How much do I leave in bank so you can order?” About 12 minutes later, Morzfeld texted B.Z. a picture of her Wisconsin driver’s license and her social security number.
- C. On January 3, 2018, Morzfeld texted B.Z. a screenshot of an automated message she received acknowledging “her” order from Sportsman’s Guide. B.Z. asked Morzfeld to call Sportsman’s Guide to see if a picture of Morzfeld’s driver’s license was needed and stated, “Cause Brandon said they shipped his gun back to the place because he didn’t send your I’d pic.” B.Z. also asked whether Brandon Armes had ordered his gun, and Morzfeld responded that Armes had not yet ordered the gun.
- D. On January 4, 2018, B.Z. texted that he was tracking his gun and it was currently in Burbank, Illinois. Morzfeld asked if it shipped right to the gun store in Paddock Lake, Wisconsin. B.Z. responded, “Yeah same one you got Brandon’s from.”
- E. On January 30, 2018, B.Z. texted Morzfeld that he had “... no food no money no gas no cigs no weed...I have to pay you for the gun I have no money.”

36. Morzfeld’s cell phone contained communications with her daughter, B.A., from whose residence the two defendant firearms were seized, including the following:

On February 7, 2018, Morzfeld texted B.A. and stated that Brandon Armes continues talking to people he should not be about firearms. Morzfeld explained

how she kept telling Brandon Armes to stop showing people that Armes has a gun because someone would tell law enforcement and Armes would be arrested.

### **February 20, 2018 Statement of Rachel Morzfeld**

37. On February 20, 2018, agents read Rachel Morzfeld her Miranda rights, and Morzfeld stated she understood her rights and agreed to speak with agents.

38. During the interview, Morzfeld stated the following:

- A. Brandon Armes helped Morzfeld select the AK-47 rifle that she intended to pick up at Buisse Custom Arms on February 20, 2018. Morzfeld and Armes had scrolled together through Sportsman's Guide's website, and Armes stated that he liked the AK-47 rifle.
- B. During the last five weeks, Morzfeld ordered about five firearms.
- C. Brandon Armes assisted Morzfeld in the ordering process, "as far as what guns to order."
- D. The first gun, a "silver gun," Brandon Armes ordered under Morzfeld's name using Morzfeld's Chase Bank account. Armes may have ordered the "silver gun" through Sportsman's Guide or somewhere else online.
- E. Every gun that Morzfeld purchased was in her name.
- F. Brandon Armes was a felon but would no longer be a felon in six months. Armes expected that his felony conviction would be expunged.
- G. The firearms had been stored at Rachel Morzfeld and Brandon Armes' residence, 62XX 243<sup>rd</sup> Court, Salem, Wisconsin. However, B.A. and D.D. moved the firearms to their Bristol residence.

### **Records from Paddock Lake Sporting Goods**

39. Firearm transaction records from Paddock Lake Sporting Goods in Salem, Wisconsin, show that Rachel Morzfeld purchased the following firearms on the follow dates:

- A. On December 16, 2017, the defendant Cobra Enterprises Inc./Kodiak Ind. FS380 pistol bearing serial number FS11581, which was seized on February 20, 2018 at the Bristol property.
- B. On January 11, 2018, the defendant Glock GmbH pistol bearing serial number BBFV450, which was seized on February 20, 2018 at the Bristol property.

- C. On January 11, 2018, the Sccy Industries CPX-2 9mm pistol bearing serial number 610024, which was seized on February 20, 2018 at the Bristol property.
- D. On January 11, 2018, a Smith & Wesson M&P15 Sport II rifle bearing serial number TF80061.
- E. On January 17, 2018, a Glock pistol bearing serial number BBFV449. (See paragraph 46A.)

40. For each of the above five purchases, Rachel Morzfeld answered “yes” to question number 11(a) on ATF Form 4473.

#### **Records from online retailer Sportsman’s Guide**

41. Sportsman’s Guide records show that Rachel Morzfeld ordered five firearms – along with .22 caliber, .40 caliber, and 9mm ammunition – from [www.sportsmansguide.com](http://www.sportsmansguide.com) and had the firearms shipped to either Paddock Lake Sporting Goods or Buisse Custom Arms.

42. The five firearms that Rachel Morzfeld purchased from Sportsman’s Guide included those four identified in paragraph 39B-E and the AK-47 semi-automatic rifle that Morzfeld attempted to take possession of on February 9 and 20, 2018, at Buisse Custom Arms.

#### **March 16, 2018 statements by C.S.**

43. On February 20, 2018, when Rachel Morzfeld and Brandon Armes were in Buisse Custom Arms to take possession of the AK-47 semi-automatic rifle, C.S. had accompanied Morzfeld and Armes.

44. C.S. is the former boyfriend of B.A., who is Rachel Morzfeld’s daughter.

45. Rachel Morzfeld and Brandon Armes lived with C.S. at C.S.’s residence, 62XX 243<sup>rd</sup> Court, Salem, Wisconsin (“Salem residence”). Morzfeld paid rent to C.S.

46. On March 16, 2018, agents interviewed C.S., and C.S. stated the following:

- A. Rachel Morzfeld purchased the Glock pistol bearing serial number BBFV449, referenced in paragraph 39E. Before Morzfeld took possession

of the Glock BBFV449, Morzfeld had agreed to give that firearm to C.S. as repayment for a debt. On January 17, 2018, Morzfeld went to Paddock Lake Sporting Goods, completed the paperwork – which included ATF Form 4473 – and took possession of the Glock pistol bearing serial number BBFV449. That same day, Morzfeld gave the Glock BBFV449 to C.S.

- B. Rachel Morzfeld has purchased multiple firearms for Brandon Armes.
- C. Morzfeld purchased the defendant Cobra Enterprises Inc./Kodiak Ind. FS380 pistol for Brandon Armes. C.S. had seen Armes with that firearm at their Salem residence. On one occasion, Armes accidentally discharged that firearm inside the Salem residence.
- D. B.A. and D.D. came to the Salem residence and picked up the three firearms identified in paragraph 32, which included the two defendant firearms. B.A. and D.D. took the three firearms to their Bristol residence because Brandon Armes feared that C.S.'s girlfriend would call the police and report Brandon Armes as being a felon in possession of firearms.
- E. At times after January 2017, when Brandon Armes had become a convicted felon, C.S. and Armes shot firearms on C.S.'s grandfather's property in Salem, Wisconsin.

#### **Evidence on Brandon Armes' cell phone**

- 47. On or about March 14, 2018, agents executed a warrant to seize and search Brandon Armes' cell phone.
- 48. Brandon Armes had used his cell phone up until the time of his arrest on February 20, 2018. After Armes' arrest, and until the phone was seized by agents on March 14, 2018, the cell phone had been used by Rachel Morzfeld.
- 49. Digital photographs on Brandon Armes' cell phone included the following:
  - A. One image of the defendant Cobra Enterprises Inc./Kodiak Ind. FS380 pistol showing serial number FS115811. A second image showed what appeared to be that same Cobra pistol holstered on someone's hip. The angle of the camera did not show the person's face, but the flooring in that image was the same flooring inside Brandon Armes' Salem residence.
    - i. File information for the first image showed the "capture" date as December 16, 2017, which is the same date that the defendant Cobra pistol was purchased.

- ii. File information for the second image showed the “capture” date as January 3, 2018.
  - B. Two images of Brandon Armes and an individual having the initials T.L. with a Glock pistol. In the first image, Armes is pointing the Glock pistol towards the camera. The second image shows the Glock pistol resting on T.L.’s shoulder. File information for these digital images showed the images were created on January 19, 2018.
  - C. Two images of the defendant Glock GmbH pistol bearing serial number BBFV450. The serial number is shown on the first image, and the reverse side of the firearm is shown in the second image. The flooring in the images is the same flooring inside Brandon Armes’ Salem residence. File information for these digital images showed the images were created on February 12, 2018.
50. Text messages on Brandon Armes’ cell phone included the following:
- A. On February 9, 2018 – the day that Rachel Morzfeld first attempted to take possession of the .22 caliber AK-47 semi-automatic rifle from Buisse Custom Arms – Brandon Armes texted his sister, B.A., “Yea I’m sure yo can you borrow mom 35\$ and take her to pick up my gun from the store ... Store is only 11 miles away from [C.S.’s]. Buisse custom arms.”
  - B. On February 15, 2018, Brandon Armes texted C.S. asking, “What time we shooting today I gotta grab my Glock and ammo from [D.D.’s] house.”

51. On February 25, 2018, after Brandon Armes had been arrested and while Rachel Morzfeld was using Brandon Armes’ phone, Morzfeld searched [www.google.com](http://www.google.com) for the following phrase: “can you get in trouble for lying to an atf agrnt [sic].”

#### **Brandon Armes’ recorded jail calls**

52. After Brandon Armes’ arrest on February 20, 2018, and his subsequent incarceration, Armes made the following recorded calls from the Racine County jail:
- A. On February 27, 2018, Brandon Armes called Rachel Morzfeld and stated, “Why would you tell them that you bought the gun for me, you better tell them when you go in there that it was not, or even if you say it was for me, say it was for after I was off probation ... Tell them you bought it for yourself.”

- B. On March 1, 2018, Brandon Armes asked Rachel Morzfeld why she told law enforcement that she had bought the firearms for him. Morzfeld explained that she told law enforcement the guns could someday become his (Brandon Armes) after he was off probation. Armes responded, "You have to stick to that, otherwise they can indict you."
- C. On March 4, 2018, Brandon Armes spoke with Rachel Morzfeld and a female they called "Gabby." Morzfeld stated that law enforcement was searching her phone for evidence that she (Morzfeld) had purchased firearms for Brandon Armes. Armes explained that Morzfeld needed to log onto her Apple "iCloud" account and delete everything so law enforcement could not use it. Armes asked about his Facebook account. Gabby explained that Armes' Facebook account had been "logged off" from all locations. Armes stated that law enforcement would then be unable to access his Facebook account and "get everything."
- D. On March 6, 2018, Brandon Armes spoke with Rachel Morzfeld. Morzfeld explained that she was worried ATF was going to arrest her. Morzfeld stated, "You swear to God you didn't tell them I bought em for you, right?" Armes explained that he told law enforcement the same thing she did. Morzfeld continued, "Brandon, like for sure, right?" Armes and Morzfeld discussed what Morzfeld should say regarding the firearms. Armes explained that Morzfeld needed to tell law enforcement the firearms were never for him. Morzfeld explained how she originally told law enforcement the firearms could someday belong to Armes when he was no longer a felon. Armes suggested that Morzfeld tell law enforcement that her plan for the firearms was unknown at the time of purchase.
- E. On March 7, 2018, Brandon Armes spoke with an individual he referred to as "dad." Dad explained that Rachel Morzfeld feared she would be arrested and had pretended she was not home when law enforcement tried to speak with her. Dad stated that Morzfeld needed to stop running and instead take responsibility for her actions.
- F. On March 14, 2018, Brandon Armes spoke with Rachel Morzfeld. Morzfeld explained that ATF returned her phone and then asked for Armes' phone. Morzfeld stated that she told ATF she did not have Armes' phone, and she tried hiding Armes' phone, but ATF ultimately took the phone. Armes asked if anyone had deleted his pictures, and Morzfeld responded that no one had deleted his pictures. Armes stated, "Thanks for the federal charges."

53. Rachel Morzfeld violated 18 U.S.C. § 922(a)(6) by knowingly making false statements on ATF Form 4473 for both the defendant Cobra Enterprises Inc./Kodiak Ind. FS380

pistol bearing serial number FS115811 and the defendant Glock GmbH pistol bearing serial number BBFV450, when Morzfeld answered “yes” to question number 11(a) in that she claimed to be the true buyer of those firearms when, in fact, Morzfeld had purchased those firearms for Brandon Armes, a convicted felon.

54. Rachel Morzfeld violated 18 U.S.C. § 922(d)(1) by unlawfully selling or otherwise giving the defendant Cobra Enterprises Inc./Kodiak Ind. FS380 pistol bearing serial number FS115811 and the defendant Glock GmbH pistol bearing serial number BBFV450 to Brandon Armes, a person whom Morzfeld knew was a convicted felon.

55. Brandon Armes violated 18 U.S.C. § 922(g)(1) by unlawfully possessing the defendant Cobra Enterprises Inc./Kodiak Ind. FS380 pistol bearing serial number FS115811 and the defendant Glock GmbH pistol bearing serial number BBFV450 at a time in which he was a convicted felon.

56. The defendant Cobra Enterprises Inc./Kodiak Ind. FS380 pistol bearing serial number FS115811 and the defendant Glock GmbH pistol bearing serial number BBFV450 are subject to forfeiture to the United States of America under 18 U.S.C. § 924(d) because they were involved in the willful violation of 18 U.S.C. §§ 922(a)(6), (d)(1), and (g)(1).

#### **Brandon Armes’ State Charges and Guilty Plea**

57. On or about March 1, 2018, Brandon Armes was charged in Racine County Case No. 18CF312 with two counts of possession of a firearm by a convicted felon and one count of possession of marijuana.

58. On or about August 6, 2018, Brandon Armes pleaded guilty in Case No. 18CF312 to two counts of possession of a firearm by a convicted felon and one count of possession of marijuana.

59. Brandon Armes’ sentencing hearing is scheduled for October 22, 2018.

### **Administrative Forfeiture Proceedings**

60. On or about March 8, 2018, ATF commenced administrative forfeiture proceedings against the defendant Cobra Enterprises Inc./Kodiak Ind. FS380 pistol bearing serial number FS115811 and the defendant Glock GmbH pistol bearing serial number BBFV450.

61. On or about June 1, 2018, Rachel Morzfeld filed a claim to the defendant Cobra Enterprises Inc./Kodiak Ind. FS380 pistol bearing serial number FS115811 and the defendant Glock GmbH pistol bearing serial number BBFV450.

### **Warrant for Arrest In Rem**

62. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the defendant firearms pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

### **Claims for Relief**

63. The plaintiff alleges and incorporates by reference the paragraphs above.

64. By the foregoing and other acts, the defendant Cobra Enterprises Inc./Kodiak Ind. FS380 pistol bearing serial number FS115811 and the defendant Glock GmbH pistol bearing serial number BBFV450 were involved in the willful violation of 18 U.S.C. §§ 922(a)(6), (d)(1), and (g)(1).

65. The defendant Cobra Enterprises Inc./Kodiak Ind. FS380 pistol bearing serial number FS115811 and the defendant Glock GmbH pistol bearing serial number BBFV450 are therefore subject to forfeiture to the United States of America under 18 U.S.C. § 924(d).

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant firearms, one Cobra Enterprises Inc./Kodiak Ind. FS380 pistol bearing serial number FS115811 and one Glock GmbH pistol bearing serial number BBFV450, be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not

be decreed; that judgment declare the defendant firearms to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and equitable, together with the costs and disbursements of this action.

Dated at Milwaukee, Wisconsin, this 29<sup>th</sup> day of August, 2018.

Respectfully submitted,

MATTHEW D. KRUEGER  
United States Attorney

By:

s/SCOTT J. CAMPBELL  
SCOTT J. CAMPBELL  
Assistant United States Attorney  
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### Verification

I, Frank Rutter, hereby verify and declare under penalty of perjury that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives in Milwaukee, Wisconsin, that I have read the foregoing Verified Complaint for Civil Forfeiture *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 12 through 52 of the Verified Complaint are true to my own knowledge.

The sources of my knowledge and information are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date: 8/29/18

s/FRANK RUTTER

Frank Rutter

Special Agent

Bureau of Alcohol, Tobacco, Firearms, and Explosives

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Place an "X" in the appropriate box: ☐ Green Bay Division ☒ Milwaukee Division

## I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott J. Campbell, AUSA  
US Attorney's Office, #530 Federal Building  
517 E. Wisconsin Avenue, Milwaukee, WI 53202 (414-297-1700)

## DEFENDANTS

ONE COBRA ENTERPRISES INC./KODIAK IND. FS380 PISTOL  
BEARING SERIAL NUMBER FS115811, ET AL.

County of Residence of First Listed Defendant Kenosha

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
		<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
18 USC § 924(d)

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

08/29/2018

s/SCOTT J. CAMPBELL

FOR OFFICE USE ONLY

RECEIPT #

Case 2:18-cv-01334-DEJ Filed 08/29/18 Page 1 of 1 Document 1-1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
AT LAW AND IN ADMIRALTY

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

ONE COBRA ENTERPRISES INC./KODIAK  
IND. FS380 PISTOL BEARING SERIAL  
NUMBER FS115811, and

ONE GLOCK GMBH PISTOL BEARING  
SERIAL NUMBER BBFV450,

Defendants.

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**WARRANT FOR ARREST IN REM**

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To: THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES  
Eastern District of Wisconsin

WHEREAS, a Verified Complaint for Civil Forfeiture *in rem* was filed on the 29<sup>th</sup> day of August, 2018, by the United States Attorney for the Eastern District of Wisconsin, which seeks the forfeiture of the above-named defendant properties under Title 18, United States Code, Section 924(d), and which prays that process issue to enforce the forfeiture and to give notice to all interested parties to appear before the court and show cause why the forfeiture should not be decreed; and due proceedings being had, that the defendant properties be condemned and forfeited to the use of the United States of America.

YOU ARE THEREFORE HEREBY COMMANDED to attach and arrest the defendant properties listed below, which were seized on or about February 20, 2018, from Brandon Armes at or near 21XXX 121<sup>st</sup> Street, Bristol, Wisconsin, and which are presently in the custody of the

Bureau of Alcohol, Tobacco, Firearms, and Explosives in Milwaukee, Wisconsin, in the Eastern District of Wisconsin, and to detain the same until further order of this Court.

- A. One Cobra Enterprises Inc./Kodiak Ind. FS380 pistol, bearing serial number FS115811, and
- B. One Glock GmbH pistol, bearing serial number BBFV450.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2018, at Milwaukee, Wisconsin.

STEPHEN C. DRIES  
Clerk of Court

By:

\_\_\_\_\_  
Deputy Clerk

**Return**

This warrant was received and executed with the arrest of the above-named defendants.

Date warrant received: \_\_\_\_\_

Date warrant executed: \_\_\_\_\_

Name and title of arresting officer: \_\_\_\_\_

Signature of arresting officer: \_\_\_\_\_

Date: \_\_\_\_\_